

Civil Writ Petition No.9486 of 2007.

**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

...

Date of Decision: February 19,2008.

Jai Pal Singh Hooda	...	Petitioner
	VERSUS	
State of Haryana and others	...	Respondents

CORAM : **HON'BLE MR.JUSTICE HEMANT GUPTA.
HON'BLE MR.JUSTICE MOHINDER PAL.**

1. Whether Reporters of Local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr.R.N. Sharma, Advocate,
for the petitioner.

Mr. O.P. Sharma, Additional Advocate General,
Haryana, for respondents Nos. 1, 2 and 4.

Mr. S.S. Dalal, Advocate,
for respondents Nos. 3 and 5 to 9.

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MOHINDER PAL, J.

The prayer made in this petition is for issuance of a direction to respondents Nos. 1 to 3 to raise the retirement age of the petitioner from 58 to 60 years on the ground that he is

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physically handicapped person. This claim is based on instructions dated January 31, 2006 (Annexure P-1) issued by the Chief Secretary to Government, Haryana, Chandigarh and adopted by the Registrar, Co-operative Societies Haryana, Panchkula as per letter dated May 26, 2006 (Annexure P-2).

The petitioner had been working with the respondent-Bank on various posts and on attaining the age of 58 years, he was ordered to be retired with effect from June 30, 2007 from the post of Senior Accountant. The claim of the petitioner now is that he could not have been retired at the age of 58 years because as per the instructions dated January 31, 2006 (Annexure P-1) issued by the Government of Haryana and adopted by the Registrar, Co-operative Societies Haryana vide letter dated May 26, 2006 (Annexure P-2) the physically handicapped Class-III employees who possesses the minimum degree of disability of 70% will retire at the age of 60 years. The degree of disability of the petitioner is 70%. In support of his claim, the petitioner has placed on record the Certificate dated May 10, 2007 (Annexure P-4) issued by the Board Members of the Department of Orthopaedic, Post Graduate Institute of Medical Sciences, Rohtak (for short 'PGIMS'). He has also attached another Certificate dated June 06, 2007 (Annexure P-5) issued by the Board of Doctors at Civil Hospital, Rohtak.

In the reply filed by the Civil Surgeon, Rohtak (respondent No.4), it has been stated that the petitioner was

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referred to expert Board of Orthopaedic Surgeons at PGIMS, Rohtak, for ascertaining the exact physical disability of the petitioner. The Board of three Orthopaedic Surgeons at PGIMS, Rohtak, after examining the petitioner, opined that he was having 70% physical disability.

In the replies filed by the Managing Director, Central Co-operative Bank Ltd., Jhajjar, where the petitioner was last serving, and the private respondents, it has been stated that the respondent-Bank being located at Jhajjar, it was only the Chief Medical Officer/Civil Surgeon, Jhajjar, who could issue a certificate in the case of petitioner.

After hearing the learned counsel for the parties and going through the records of the case, we are of the view that the case of the petitioner is squarely covered by the instructions dated January 31, 2006 (Annexure P-1) issued by the Government of Haryana and as adopted by the Registrar, Co-operative Societies Haryana vide letter dated May 26, 2006 (Annexure P-2) which clearly lay down that the normal retirement age of Class-III disabled employees who have 70 % disability is raised from 58 years to 60 years.

In view of the above, this writ petition succeeds and, accordingly, a direction is issued to respondents Nos. 1 to 3 to consider the case of the petitioner for his retention in service till the age of 60 years. It has come in the written statement filed by the respondent-Bank that the petitioner has been

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retired. It is directed that the petitioner will be taken back in service so as to retire him at the age of 60 years.

(HEMANT GUPTA)
JUDGE

(MOHINDER PAL)
JUDGE

February 19, 2008.
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